

1 Mark L. Javitch (CA SBN 323729)
2 JAVITCH LAW OFFICE
3 3 East 3rd Ave. Ste. 200
4 San Mateo, CA 94401
5 Telephone: (650) 781-8000
6 Facsimile: (650) 648-0705
7 mark@javitchlawoffice.com

8 *Attorney for Plaintiff*
9 And those similarly situated

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEBRASKA

12 ALEJANDRO VALLESILLO, individually, and
13 behalf of all those similarly situated,

14 Plaintiff,

15 v.

16 STELLAR MUTUAL, INC., a Delaware
17 corporation, and JOHN DOE 1, an unknown
18 business entity,

19 Defendants.

Case No.: 8:22-cv-00307-RFR-MDN

MOTION FOR CLERK’S DEFAULT

MOTION FOR CLERK’S ENTRY OF DEFAULT AS TO DEFENDANT CALLTEND, INC.

20 Pursuant to Local Rule 55.1(a)(1) and Rule 55(a) of the Federal Rules of Civil Procedure,
21 Plaintiff ALEJANDRO VALLESILLO (“Plaintiff”) hereby files a motion for the clerk’s entry of default
22 against Defendant STELLAR MUTUAL, INC. In support of this motion, Plaintiff states the following
23 and attaches an affidavit from Plaintiff’s attorney (“Javitch Aff.”).

- 24 1. On August 24, 2022, Plaintiff filed his Complaint, naming Defendant STELLAR MUTUAL,
25 INC., alleging violations of the Telephone Consumer Protection Act (or the “TCPA”) 47 U.S.C.
26 § 227. (Filing No. 1).
27
28

- 1 2. On August 26, 2022, a process server served a copy of the Summons and Complaint upon
2 Defendant STELLAR MUTUAL, INC. by personal service on VCORP SERVICES, LLC, the
3 registered agent for STELLAR MUTUAL, INC. currently on file with the Delaware Secretary of
4 State's office. (Filing No. 7; Javitch Aff., ¶¶ 5-6.).
- 5 3. As of the date of this filing, more than 21 days have passed since serving the Summons and
6 Complaint upon Defendant STELLAR MUTUAL, INC., and Defendant STELLAR MUTUAL,
7 INC. has yet to plead or otherwise respond to this Court according to Fed. R. Civ. P. 12. (Javitch
8 Aff., ¶ 7.).
- 9 4. As required by Local Rule 55.1(a)(2), Plaintiff has emailed to the clerk a proposed clerk's entry
10 of default.
11
12

13 WHEREFORE, Plaintiff respectfully requests that the Clerk enter the Clerk's default against
14 Defendant STELLAR MUTUAL, INC. in accordance with Fed. R. Civ. P. 55(a).
15

16 Dated: September 20, 2022

17 Respectfully submitted,

18 By: /s/ Mark L. Javitch

19 Mark L. Javitch (CA 323729)
20 Javitch Law Office
21 3 East 3rd Ave. Ste. 200
22 San Mateo, California 94401
23 Telephone: (650) 781-8000
24 Facsimile: (650) 648-0705
25 mark@javitchlawoffice.com

26 *Attorneys for Plaintiff and the Putative Class*
27
28